

STATE BOARD OF REGISTRATION
FOR THE HEALING ARTS,

Board,

v.

STACI MOORE
20915 South Jefferson Parkway
Pleasant Hill, MO 64080

Licensee.

No. 2001-003253

SETTLEMENT AGREEMENT

Comes now Staci Moore ("Licensee") and the State Board of Registration for the Healing Arts ("the Board") and enter into this Agreement for the purpose of resolving the question of whether Licensee's license as a speech-language pathologist will be subject to discipline. Licensee and the Board jointly stipulate and agree that a final disposition of this matter may be effectuated as described below pursuant to §621.045, RSMo 2000.

1. Licensee acknowledges that she understands the various rights and privileges afforded by law, including the right to a hearing of the charges against Licensee; the right to appear and be represented by legal counsel; the right to have all charges against Licensee proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against Licensee; the right to present evidence on Licensee's own behalf; the right to a decision based upon the record by a fair and impartial administrative hearing commissioner concerning the charges pending against Licensee; and subsequently, the right to a disciplinary hearing before the Board at which time evidence may be presented in mitigation of discipline. Having been advised of these rights provided Licensee by operation of law, Licensee knowingly and

voluntarily waives each and every one of these rights and freely enters into this Agreement and agrees to abide by the terms of this document as they pertain to Licensee.

2. Licensee acknowledges that she may, at the time this Agreement is effective or within fifteen (15) days thereafter, submit this Agreement to the Administrative Hearing Commission for determination that the facts agreed to by the parties constitutes grounds for discipline of Licensee's license.

3. Licensee acknowledges that she has been informed of her right to consult legal counsel in this matter.

4. The parties stipulate and agree that the disciplinary order agreed to by the Board and Licensee in Part II herein is based only on the Agreement set out in Part I herein. Licensee understands that the Board may take further disciplinary action against Licensee based on facts or conduct not specifically mentioned in this document that are either now known to the Board or may be discovered.

5. Licensee understands and agrees that the Missouri State Board of Registration for the Healing Arts will maintain this Agreement as an open record of the Board as required by Chapters 345, 610, 620 and 621, RSMo, as amended.

I.

Based upon the foregoing, Board and Licensee herein jointly stipulate to the following:

JOINT PROPOSED FINDINGS OF FACT

1. The State Board of Registration for the Healing Arts ("Board") is an agency of the State of Missouri created and established pursuant to §334.120, RSMo 2000, and authorized pursuant to §345.030, RSMo 2000, to execute and enforce the provisions of chapter 345, RSMo.

2. Licensee is licensed by the Board as a speech-language pathologist, license number 113565. This license was first issued on July 21, 1997. This license is current and active and was so at all times relevant herein.

3. Pursuant to §345.051.3, RSMo 2000, each Licensee is required to meet the continuing education hours established by the Board in order to renew his or her license.

4. In order for Licensee to renew her license for the period of 2001 through 2003, Licensee was required to obtain thirty hours of continuing education for the period of January 1, 1999 through December 31, 2000, in accordance with §345.051.3, RSMo 2000, and 4 CSR 150-4.052.

5. Section 345.051.3, states, in pertinent part:

3. An application for renewal of a license pursuant to this section shall:

(2) Meet any other requirements the board establishes as conditions for license renewal, including the demonstration of continued competence to practice the profession for which the license is issued. A requirement of continued competence may include, but is not limited to, continuing education, examination, self-evaluation, peer review, performance appraisal or practical simulation.

6. 4 CSR 150-4.052, states, in pertinent part:

(1) Each licensee shall biennially complete and report at least thirty (30) hours of continuing education. A person holding licensure in both speech-language pathology and audiology shall biennially collect and report at least thirty (30) hours of continuing education in speech-language pathology and at least thirty (30) hours in audiology. The board shall not issue a renewal of a licensee's certificate of registration unless the licensee documents completion of thirty (30)

hours of continuing education in the immediately preceding reporting period.

(4) Each licensee shall retain records documenting his/her attendance at and completion of the required hours of continuing education for a minimum of three (3) years after the reporting period in which the continuing education was completed. The records shall document the titles of the courses taken, dates, locations, course sponsors, category of hours earned, and number of hours earned. The board may conduct an audit of licensees to verify compliance with the continuing education requirement. Licensees shall assist the board in its audit by providing timely and complete responses to the board's inquiries.

7. 4 CSR 150-4.053(1) states, in pertinent part:

(1) A minimum of twenty (20) hours of the required thirty (30) hours of continuing education must be obtained as follows:

(A) Activity approved by the American Speech-Language-Hearing Association (ASHA), the American Academy of Audiology (AAA), the American Medical Association (AMA); or courses sponsored by the Missouri Speech-Language-Hearing Association (MSHA) or the Missouri Academy of Audiology (MAA), the Department of Elementary and Secondary Education (DESE), or the Council for Exceptional Children (CEC); and/or

(2) A maximum of ten (10) hours of the required thirty (30) hours of continuing education may be obtained from entities other than those specified in subsection (1)(A) . . .

8. On the 2001-2003 renewal application, Licensee indicated that she had satisfied the continuing education requirements and indicated that she had obtained thirty hours of continuing education during the period of January 1, 1999 through December 31, 2000.

9. On May 14, 2001, the Board notified Licensee that it was conducting an audit of the continuing education hours she had obtained for the period of January 1, 1999 through December 31, 2000. Licensee was requested to submit the required documentation verifying her continuing education to the Board.

10. On December 11, 2001, Licensee submitted 29 hours of continuing education: 19 hours under Rule 4 CSR 150-4.053(1)(A) and 10 hours under Rule 4 CSR 150-4.053(2).

11. Licensee failed to obtain all of the required thirty hours of continuing education during the period of January 1, 1999 through December 31, 2000.

12. The Board relied on the answers and information the Licensee provided in her renewal application when determining whether Licensee had met all of the requirements for renewal and in determining whether her license should be renewed.

JOINT PROPOSED CONCLUSIONS OF LAW

1. Cause exists to discipline Licensee's license pursuant to §345.065.2(11), RSMo 2000, which states in pertinent part:

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by sections 345.010 to 345.080 or any person who has failed to renew or has surrendered the person's certificate of registration or authority, permit or license for any one or any combination of the following causes:

(11) Issuance of a certificate of registration or authority, permit or license based upon a material mistake of fact;

2. Licensee's conduct, as established by the foregoing facts, falls within the intendments of §345.065.2(11), RSMo 2000.

3. Cause exists for Board to take disciplinary action against Licensee's license under Section 345.065.2(11), RSMo 2000.

II.

Based on the foregoing, the parties mutually agree and stipulate that the following shall constitute the disciplinary order entered by the State Board of Registration for the Healing Arts in this matter under the authority of Section 621.110, RSMo 2000. This Agreement will be effective immediately on the date entered and finalized by the Board.

A. Effective the date the Board enters into the Agreement

1. The license to practice speech-language pathology, No. 113565, issued to Licensee is hereby VOLUNTARILY SURRENDERED, in lieu of discipline. Licensee shall immediately return her speech-language pathologist license, wall-hanging certificate, pocket card, and all other indicia of licensure to the State Board of Registration for the Healing Arts. Licensee understands that this Agreement will be reported to the National Practitioner's Databank.

B. Licensee hereby waives and releases the Board, its members and any of its employees, agents, or attorneys, including any former Board members, employees, agents, and attorneys, of, or from, any liability, claim, actions, causes of action, fees costs and expenses, and compensation, including, but not limited to any claims for attorneys fees and expenses, including any claims pursuant to §536.087, RSMo, or any claim arising under 42 USC 1983, which may be based upon, arise out of, or relate to any of the matters raised in this agreement, or from the negotiation or execution of this agreement. The parties acknowledge that this paragraph is severable from the

remaining portions of this agreement in that it survives in perpetuity even in the event that any court of law deems this agreement or any portion thereof void or unenforceable.

C. In consideration of the foregoing, the parties consent to the termination of any further proceedings based upon the facts set forth herein.

LICENSEE

Staci Moore 2/11/03
Staci Moore date

(See attached letter)

BOARD

Tina Steinman 2/19/03
Tina Steinman date
Executive Director

JEREMIAH W. (JAY) NIXON
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Attorneys for Board

EFFECTIVE THIS 19 DAY OF February, 2003.